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October 22, 2025

C/O Dan Simon, Deputy City Attorney

Dear Mayor Wilson and City Councilors:

We are writing to you because the City Council has failed to approve a legal settlement reached by the City Attorney. This is highly unusual, and causes problems for the parties and for governance.

The settlement resolves a lawsuit filed by BikeLoud PDX and 15 individual plaintiffs for noncompliance with ORS 366.514, known as the Pedestrian and Bicycle Bill or “Bike Bill.” The Settlement was scheduled for Council approval on October 15, 2025.

Council must act immediately to approve the Settlement or improve it. Failure to do so means a judge will decide the case by issuing a court order instead.

What is the Bike Bill lawsuit?

Since 1971, Oregon law requires cities (and other agencies) to provide pedestrian and bicycle facilities whenever a street is constructed, reconstructed, or relocated. In November of 2022, following several high-profile projects that failed to implement Portland’s Council-approved Bicycle Plan for 2030 (the “Bicycle Plan”), BikeLoud sued asserting that Portland has failed to meet Bike Bill requirements at numerous locations. In December of 2023, the court granted BikeLoud standing to pursue the claims.

How was the Settlement reached?

The City Attorney and PBOT leadership including Director Millicent D. Williams, Chief of Staff Shoshana Cohen, Planning, Programs & Projects Deputy Director Art Pearce, Transportation Operations Deputy Director Wendy Cawley, Planning and Project Delivery Group Director Kristin Hull, and design engineer Anthony Buczek participated as the City’s delegates and subject matter experts in a multi-month settlement process.

The process resulted in a legal Settlement that resolves future Bike Bill compliance, addresses past alleged noncompliance, and leverages investments in upcoming projects to extend bikeway networks and improve safety. As with all settlements by the City, Council must approve the Settlement. The Settlement is analogous to recent ADA settlements approved by Council to install curb ramps at corners, and to enforce sidewalk clearance around tents.

Summary of Settlement Terms

1. Match ODOT on Bike Bill Interpretation. Since 1971 the City has had no practice or procedures to implement the Bike Bill, and has never had a legal interpretation. As PBOT has noted, “The City does not have formal guidance related to the Bicycle Bill” and “this lawsuit is providing the opportunity to perhaps produce a more formal city-borne methodology.” The Settlement provides that methodology. It is a compromise, merely requiring Portland to match and implement ODOT’s interpretation, which originated with the state Attorney General. If Council changes anything about this term, it should be strengthened to make Portland a leader, not minimally match ODOT standards.

2. Bike Bus Greenways. The second major component of the settlement is \$3 million to improve “Bike Bus Greenways.” These are the routes that parent-led groups of students use to commute to and from school. “Bike Buses” have expanded rapidly locally and worldwide. Prioritizing these locations city-wide maximizes return per dollar spent. The settlement directs that implementation follow the proposal that is in development by bike bus advocates, so their work is supported rather than disrupted.

3. Compromise on 82nd Ave. PBOT now owns 82nd Ave, and is spending over \$200M on improvements including reconstruction. Instead of requiring full bicycle lanes on 82nd as the Bike Bill requires and City of Portland Bicycle Plan directs, the settlement includes a significant compromise: PBOT will pursue Business Access and Transit (“BAT”) lanes shared with bikes on the full length of 82nd. Private motor vehicles also have full use of the BAT lanes, except they must turn right at signalized intersections, reducing congestion in those lanes. BAT lanes will make transit more reliable and also dramatically increase pedestrian safety. (Note: Rumors that PBOT is replacing car lanes with bicycle lanes on 82nd are false.) Providing BAT lanes instead of separated bicycle facilities as BikeLoud believes the court would order in the lawsuit is a compromise for bikes that weighs heavily on BikeLoud. This compromise is the result of years of legal advocacy occurring alongside efforts by transit, pedestrian and safety advocates to achieve a safe and thriving corridor.

4. “Win-win” Locations. The settlement calls for two smaller investments that, like the Bike Bus Greenways, are intended to achieve the greatest benefit for relatively small additional expenditures:

- a. NE Sandy was identified because existing policy passed by Council designates NE Sandy as a Major City Bikeway, the highest classification, and because investment here leverages upcoming

sewer projects. the City of Portland Bicycle Plan, calls for bike lanes but they currently dead-end at NE 14th Ave. The Settlement extends bicycle lanes to 28th Ave, and funds a corridor study (for all modes) to connect to Sumner, Parkrose and nearby neighborhoods. Z

b. SE Hawthorne was identified because PBOT has created but not implemented designs for safety improvements on routes parallel to SE Hawthorne. PBOT created these designs when the decision was made not to provide bike lanes on Hawthorne in 2021. Whether that 2021 project triggered the Bike Bill is a central issue in the lawsuit. Implementing the safety improvements that have already been designed but not implemented is the smallest financial component of the settlement, and is necessary to resolve the litigation.

Three Options

Council has three options:

1. Approve the Settlement as reached by the City Attorney and its subject matter experts.
2. Improve the Settlement. This could include providing additional targeted investments in specific Districts, which did not exist when the lawsuit was filed.
3. Fail to approve any settlement. A judge will issue an order deciding the case. A court order will strictly apply the law, not look for “win-wins” or agreeable terms.

Conclusion

Council should approve the Settlement, or participate in negotiations to improve it within 14 days of the date of this letter.

We appreciate your public service and your genuine desire to “get this right.”

Sincerely yours,

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